

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
NO. 7:14-CR-14-D-1

UNITED STATES OF AMERICA            )  
  )  
                  v.                    )  
  )  
MILTON RUSS BARNHILL                )

**PRELIMINARY ORDER AND JUDGMENT OF FORFEITURE**

WHEREAS, pursuant to the entry of a plea of guilty by the defendant, Milton Russ Barnhill, on August 4, 2015, to violations of 18 U.S.C. § 371, 18 U.S.C. § 1014, 18 U.S.C. § 1341, and 18 U.S.C. § 1957, as well as other evidence presented by the Government, \$2,737,508.86 is forfeitable by the defendant, representing the gross proceeds of the offenses to which the defendant pled guilty.

As the gross proceeds forfeited are not available to the Government, the following substitute property is hereby forfeitable pursuant to 21 U.S.C. § 853(p), as made applicable herein by 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c), to wit:

(A) **PERSONAL PROPERTY**, including:

1. one 1988 Chevy Corvette VIN 1G1YY2180J5109955;
2. one 1969 Dodge Charger VIN XS29L9B116706; and
3. one 1966 GMC truck VIN V4008F38722E.

(B) **REAL PROPERTY**, including the following:

<u>County</u>	<u>Book</u>	<u>Page</u>	<u>Property #</u>	<u>Description</u>
Columbus	451	984-985	17065	7.100 Acres
Columbus	400	681-682	61615	25.120 Acres; and
Columbus	608	159-160	85143	4.620 Acres

WHEREAS, by virtue of the Guilty Plea as to the defendant Milton Russ Barnhill, the United States is now entitled to possession of said property, pursuant to 18 U.S.C. § 981(a)(1)(C), (as made applicable by Title 28, United States Code, Section 2461) and 18 U.S.C. § 982(a)(1).

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Guilty Plea entered by Defendant Milton Russ Barnhill, the United States is hereby AUTHORIZED to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In addition, JUDGMENT is entered for the amount of the gross proceeds, that is, \$2,737,508.86, as allowed by Fed. R. Crim. P. 32.2(b)(2)(A). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order and Judgment is final as to the defendant upon entry.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Order and Judgment of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

3. With regard to the property forfeited, pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General, the United States Department of Treasury, or the Director of the U. S. Department of Homeland Security directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.


The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. Upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to

21 U.S.C. § 853, as required by Fed. R. Crim. P. 32.2(c).

5. To the extent said substitute property is adequate to substitute for the judgment, the United States shall promptly file a Satisfaction of Judgment to the extent it is so satisfied.

SO ORDERED. This 27 day of January, 2016.

  
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JAMES C. DEVER III  
Chief United States District Judge